

Minutes of the  
State Board of Acupuncture  
October 26, 2001

The State Board of Acupuncture meeting was called to order by Maggie Blair, Chair, at 9:35 a.m., Friday, October 26, 2001 at the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho.

Roll Call:     Maggie Blair, Chair  
                  Therese Hahn, Board Member  
                  Rand Peebles, Board Member  
                  Emi Miller, Board Member  
                  John Downey, Board Member

Bureau Staff: Rayola Jacobsen, Bureau Chief  
                  Budd Hetrick, Deputy Bureau Chief  
                  Roger Hales, Administrative Attorney  
                  John Kersey, Chief Investigator  
                  Dee Ann Randall, Administrative Secretary

Minutes

Moved by Tess Hahn, seconded by Rand Peebles and carried that the minutes of the July 13, 2001 board meeting be approved.

Resignation of Emi Miller from the Board

Emi Miller has submitted her resignation from the Board to Governor Kempthorne and is taking a sabbatical from the acupuncture profession.

The Board expressed their appreciation to Ms. Miller for her dedication and contributions to the board as well as to the acupuncture profession.

Introduction of Bureau Chief

Budd Hetrick introduced Rayola Jacobsen, Bureau Chief to the Board. Ms. Jacobsen extended her appreciation to meet with the Board and shared with them her work background.

Ms. Jacobsen distributed copies of a Supreme Court Decision given to her by Kirsten Wallace, Deputy Attorney General. Roger Hales explained that this decision originated from a hearing involving the city council of the city of Boise in which city council members took personal phone calls from individuals regarding the case and made a decision regarding the case. The Supreme Court held that there was a violation of procedural due process rights as information was accepted beyond that produced at a public hearing and the council members failed to

disclose information received, on the record, prior to rendering its decision in a *quasi judicial* matter.

Mr. Hales recommended to the board members that callers be referred to the Bureau. Should situations should arise, they should document: the date of the contact; identify the person; their reason for the call; and any discussions held. He strongly suggested that individuals be referred to the bureau office to have their questions answered.

#### Expense Voucher Reimbursements

Ms. Jacobsen discussed expense reimbursements with the Board and informed them that motel rates above the state rate and car rental expenses will be brought before the Board and not paid until approved by the Board. She also informed them that she is looking into the use of the state airplane as a means of traveling to board meetings, which hopefully, will help reduce board travel expenses.

#### Financial Report

Mr. Hetrick informed the Board that he did not have a financial report for them, but that report will be mailed when it has been prepared, along with the Board/Bureau contract.

Mr. Hetrick informed the Board that Governor Kempthorne has ordered a 2% holdback that was specific to general fund agencies. He stated, however, that all state agencies were asked not to request any supplemental appropriations.

#### Proposed Law Changes

The Board reviewed their proposed law changes. Moved by Tess Hahn, seconded by Rand Peebles and carried that additional wording be added to the proposed change in Section 54-4707, Idaho Code, to read “and (3) Such other requirements as established by rules of the board.” If this additional wording cannot be added to the proposed changes in this section, the board requests that this proposed change be pulled and the law remains as it is written.

Moved by Rand Peebles, seconded by Tess Hahn and carried to change the proposed law change of Section 54-4708, Idaho Code, to strike the word “shall” and return to its original word “may”.

#### Licensure of Massage Therapists

Ms. Blair updated the Board on the licensure of massage therapists that they are going to submit legislation for licensure as an independent board, upon the advise of their lobbyist. Should this legislation not be successful, they would consider coming under the Acupuncture Act.

#### Executive Session

Moved by Tess Hahn, seconded by Rand Peebles and carried the Board go into executive session at 9:50 a.m. to discuss application files.

Moved by Tess Hahn, seconded by Emi Miller and carried the Board comes out of executive session at 11:30 a.m.

It was the decision of the Board that certified acupuncturists Robert Lee and H. Dewain Lee applications for licensure are denied based on their failure to appeal, in the allowed time frame, the Board's decision to issue acupuncture certification; application for licensure was made after the grandfather provision had expired; they do not meet the current requirements for licensure under Section 54-4706, Idaho Code.

The Board requested that Roger Hales assist in preparing the letter notifying Robert Lee and H. Dewain Lee of their decision.

#### Board Meeting Dates

The Board established the board meeting dates for 2002: April 5, 2002, July 19, 2002 and October 25, 2002.

#### Election of Chair of the Board

Emi Miller nominated Tess Hahn as Chair of the Board, seconded by Rand Peebles and carried.

Moved by Emi Miller, seconded by John Downey and carried the Board go into executive session at 11:45 a.m. to review applications.

Moved by John Downey, seconded by Emi Miller and carried the Board comes out of executive session at 12:20 p.m.

#### Applications

The Board approved two (2) applications for licensure, two (2) applications for certification, one (1) application for technician certification and one (1) application was deferred.

Upon approval of the Board, the following licenses were issued:

##### Licensed Acupuncturists

Rachel L. Smith	ACU-132
David Ford	ACU-133

##### Certified Acupuncturists

John R. Whitehead	ACC-134
Travis Wilkins	ACC-135

##### Acupuncture Technician

Della Sams	ACT-136
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Moved by Emi Miller, seconded by John Downey and carried the meeting adjourn at 1:00 p.m.

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Maggie Blair, Chair

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Therese Hahn

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Rand Peebles

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John Downey

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Emi Miller

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Rayola Jacobsen, Chief  
Bureau of Occupational Licenses

Approved 4/12/02